

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

## IN THE UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,

No. C 15-04244 WHA

Plaintiff,

v.

JOHN DOE SUBSCRIBER ASSIGNED IP  
ADDRESS 24.5.1.118**ORDER EXTENDING  
DEADLINE TO EFFECTUATE  
SERVICE OF PROCESS**Defendant.  
\_\_\_\_\_/

Plaintiff commenced this action on September 17, 2015. Pursuant to Rule 4(m), the deadline to effectuate service of process was January 15, 2016. On October 18, 2015, an order granted plaintiff's request to serve a third-party subpoena on defendant's Internet provider, Comcast, in order to obtain defendant's identifying information. Plaintiff received defendant's identifying information from Comcast on December 10. On December 30, plaintiff moved to file under seal its amended complaint, proposed summons, and return of service, which motion was granted on January 7. On January 15, plaintiff sought to further extend the deadline to effectuate service by forty-five days because it had not yet received a mailed copy of the unredacted summons to be served on defendant.

Defendant had thirty-six days to serve defendant from the date it received Comcast's response and offers an inadequate explanation for its failure to do so within that time period. Specifically, plaintiff avers, without any details, that it "conducted a thorough investigation of the information provided" by Comcast. Further, plaintiff notes that it had to move to file under seal its amended complaint, proposed summons, and return of service before it can serve defendant, which motion it filed twenty days after receiving defendant's identifying

1 information. Finally, plaintiff notes it had to wait to receive a mailed copy of the unredacted  
2 summons before it could effectuate service.

3 In the Court's judgment, four weeks following the receipt of defendant's identifying  
4 information should be plenty enough time to effectuate service unless defendant is dodging  
5 service. Nevertheless, this order hereby extends the deadline to effectuate service to **JANUARY**  
6 **29, 2016**. Going forward, plaintiff must serve the defendants in its other cases within the 120  
7 days provided in Rule 4(m) (90 days for cases filed after the 2015 amendments to the Federal  
8 Rules of Civil Procedure took effect) or four weeks from receiving the identifying information  
9 from the defendant's Internet provider.

10

11

**IT IS SO ORDERED.**

12

13

Dated: January 19, 2016.

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE